

REMARKS

In the Notice of Allowability mailed on January 3, 2005, Applicant's election of Group 1 was treated as being without traverse, and claims 20-29 were cancelled by Examiner's Amendment. Applicant hereby traverses both of the above actions, for the reasons discussed below.

First, Applicant reiterates Applicant's previous traversal of the Restriction Requirement dated October 18, 2004. The Notice of Allowability mailed on January 3, 2005 states:

Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse.

(Notice of Allowability at 2.) However, in Applicant's previous response dated November 4, 2004, Applicant expressly traversed the Restriction Requirement. (*See* November 4, 2004 Response to Restriction Requirement and Preliminary Amendment at 1 and 8.) Moreover, in Applicant's previous response, Applicant expressly pointed out certain errors in the Restriction Requirement, by stating:

First, Applicant respectfully submits that Groups II and I are not related as a product and process of use (of the product, addressed by MPEP § 806.05(h)) as indicated in the Restriction Requirement. Instead, Applicant believes that Groups I and II are apparently related as process and apparatus for its practice, which is addressed by MPEP § 806.05(h), which states:

If the apparatus claims include a claim to a "means" for practicing the process, the claim is a linking claim and must be examined with the elected invention. If it is ultimately allowed, rejoinder is required. *See* MPEP § 809.04.

(MPEP § 806.05(h)). Accordingly, by this preliminary amendment, Applicant has added a "linking" means plus function claim 30 for performing the process of method claim 1. Therefore, Applicant respectfully submits that the MPEP requires that both Group I and Group II must be examined together. Accordingly, Applicant respectfully declines to cancel the claims of Group II.

(*See* November 4, 2004 Response to Restriction Requirement and Preliminary Amendment at 8.)

Therefore, Applicant respectfully submits that Applicant's previous traversal of the Restriction Requirement was adequately supported by specific reasoning pointing out certain errors in the Restriction Requirement. Accordingly, Applicant respectfully requests that Applicant's previous response be treated as being "with traverse."

Second, Applicant respectfully traverses the cancellation of claims 20-29 by Examiner's Amendment. As stated in Applicant's previous response, claim 30 is a linking claim, which has now been allowed by the Examiner. Consequently, Applicant believes that the MPEP requires that the Group II claims (20-29) now be rejoined, and that such claims (20-29) are allowable, given the Examiner's allowance of the linking claim 30. See MPEP § 809.04. Accordingly, Applicant respectfully requests rejoinder and allowance of claims 20-29.

Conclusion

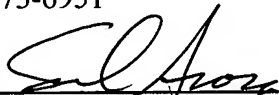
Applicant respectfully submits that these changes do not introduce new matter, and the claims are allowable without further search or consideration. Therefore, entry is appropriate under Rule 312, and is respectfully requested.

Respectfully submitted,


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Date February 9, 2005 By 
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Issue Fee, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 9 day of February, 2005.


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